

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 1:02cr65WJG-1

WILL ROBERTSON BROWN

ORDER

THIS CAUSE comes before the Court on the motion [38] of Defendant, Will Robertson Brown, for reconsideration of this Court's order dated January 5, 2011<sup>1</sup>, which denied Brown's motion to correct his presentence report [PSR]. Defendant claims that his sentence was enhanced by four points for crimes with which he was never charged. (Ct. R., Doc. 38, p. 1.) He contends that the United States Probation Office made a mistake in calculating his sentence.

The United States responded to Brown's motion by indicating that the four-level enhancement applied to his sentence pursuant to U.S.S.G. § 2K2.1(b)(5) was applied because Brown had possession of a firearm while he engaged in the felony offenses charged in this indictment. (Ct. R., Doc. 39, p. 2.) The Court finds that Brown's motion lacks merit.

Additionally, Brown had two prior opportunities to correct any perceived problems with his PSR. First, pursuant to the Federal Rules of Criminal Procedure, Brown was provided an opportunity to review his PSR prior to sentencing and object to any information contained therein. *See* FED.R.CRIM.P. 32(f) & (I). In addition, Brown had the opportunity during his

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<sup>1</sup>Ct. R., Doc. 37.

sentencing hearing in open court to raise any objections – either orally or in writing – to the PSR. Defendant did not raise his objection either prior to or during his sentencing hearing. The Court, therefore, concludes, that Brown's motion for reconsideration should be denied. It is therefore,

ORDERED that Brown's motion for reconsideration [38] of the order entered in this case on January 5, 2011, be, and is hereby, denied.

SO ORDERED, this the 11<sup>th</sup> day of March, 2011.

*Walter J. Lex III*

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UNITED STATES SENIOR DISTRICT JUDGE